



GRADUATE, UNDERGRADUATE AND EQUITY AFFAIRS

OFFICE OF THE PRESIDENT
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September 29, 2025

Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

RE: Comments on DHS Docket No. ICEB-2025-0001: “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media”

To Whom It May Concern:

The University of California (UC) welcomes the opportunity to comment on the U.S. Department of Homeland Security (DHS) notice of proposed rulemaking titled “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media.”

UC benefits the nation through world-class educational opportunities, groundbreaking research, top-rated health care innovations and delivery, as well as agricultural expertise. International members of our University community contribute to this mission through their research and positive economic impact. They provide unique perspectives that better position the United States to engage in work of national and international significance to the benefit of our citizens. They are a substantial economic contributor to the regions where universities are located. In California alone, international students contributed \$6.4 billion to the State’s economy during the 2023-2024 academic year and supported over 55,000 jobs.¹

The Duration of Status (D/S) policy included in the current regulations is critical to the University’s groundbreaking research and teaching. This policy has been in effect since the 1980s and has greatly facilitated the ability of international students and exchange visitors to study, conduct research, teach, train and work, so long as they abide by the laws and regulations authorizing their nonimmigrant status.

UC is concerned that the proposed changes will have a negative impact on the US’s ability to benefit from the training and research of international scholars at the undergraduate and graduate degree levels and for medical training. The proposed rule – which replaces what has been a well-

¹ NAFSA Economic Impact by State. <https://www.nafsa.org/isev/reports/state?year=2023&state=CA>

functioning system for over four decades – will significantly disrupt higher education and will place tremendous burdens on institutions of higher education and sow confusion among universities and students who experience this remarkable country and its world-renowned institutions of higher education. By removing the Designated School Officials (DSOs) and Responsible Officers' (ROs) ability to assess the duration of status and any extension requests in the first instance, the U.S. Citizenship and Immigration Services (USCIS) will be inundated by the large volume of extensions of stay (EOS) applications and the subsequent work the rule would generate. The inevitable delays from this backlog, coupled with a complex and opaque adjudication process, will likely deter and delay the world's most talented international visitors from visiting or studying in the US, leading them to redirect their talents to our competitors in other nations, such as China, Canada, Australia, the United Kingdom, Germany and the United Arab Emirates.

The University respectfully asks the Department to withdraw the rule and its proposal to end Duration of Status and offers these specific comments as to why this rule, if enacted as written, will harm the UC and reduce the ability of the United States to retain its competitive advantage in the global arena. Furthermore, the University reiterates and incorporates its concerns submitted to the Department of Homeland Security in response to the withdrawn 2020 Notice of Proposed Rulemaking on the same topic (enclosed below).

Impact of the Requirements of Extensions for Visa Holders

We are concerned that requiring annual extensions beyond the fourth year makes a U.S. Ph.D. program less attractive to international students because they will not be assured of their ability to complete the degree in this short amount of time. The United States will lose competitiveness in comparison to other nations, specifically China, which continues to invest in Ph.D. education and international recruitment. Fewer tuition-paying international Ph.D. students also impacts departmental funding for U.S. Ph.D. students, potentially decreasing the number of both domestic and international Ph.D. students overall.

Furthermore, international medical graduates (IMGs), who address the needs of U.S. citizens, often in underserved rural areas, will be heavily impacted unless universities can issue contracts for the full residency or fellowship. Extending travel is not an option for most IMGs since consular appointments in countries like India or Pakistan can take months. Under current extension of status (EOS) processing times, international students and exchange visitors will spend most of their contract year with their extensions pending.

Ph.D. students, postdocs and clinicians are an ecosystem for innovation where basic science is translated into *direct* health benefits for U.S. citizens. This proposed rule jeopardizes the ability of the U.S. to continue to help resource this ecosystem which is vital to innovation leadership and the well-being of the nation.

Variable Times to Degree Completion

The proposed rule assumes all U.S. education programs require the same length of study as typical four-year undergraduate programs, but that is far from the case. Graduate doctoral degree programs typically require six years to complete, with little variation between domestic and

international students. In recognition of this pattern, the J-1 program, including the J-1 Research Scholar and J-1 Professor categories, already allow for programs up to five years in duration. The proposed rule only allows for extensions of stay to be granted for up to four years. The maximum period of extension in the proposed rule is therefore not consistent with the regulatory framework and the maximum duration of these J categories.

The UC system has some of the highest graduation rates in the country. The fixed period under the proposed rule does not align with the graduation rate for undergraduate freshmen. For example, at the UC, the graduation rate for almost 90% of incoming freshman is six years.

This proposed rule will require many UC international undergraduate and PhD graduate students, and many exchange visitors, to apply for an EOS to complete their degrees and engage in practical training options or otherwise complete their programs. Indeed, UC estimates that at least 4,500 students on only one of our ten campuses would need to apply for at least one EOS in a single academic year. Our peer institutions across the country that welcome international students would almost certainly see a similar uptick in the number of EOS applications, meaning that USCIS is looking at a significantly increased caseload nationwide.

The uncertainty surrounding the prospect of EOS approval places undue hardship on graduate students and the institutions that benefit from their research and service. For example, some PhD graduate students and researchers would not be able to teach and complete research projects if their EOS applications were denied. As a result, the United States stands to lose competitiveness in comparison to other nations, particularly China, which continues to invest in Ph.D. education and international student recruitment.

The proposed rule also would make it more difficult for students whose educational objectives genuinely change to maintain their status, even at the same institution. While the proposed rule allows such changes after the first year, the regulation seeks to impose a strict "upward trajectory" on F-1 and J-1 students at all education levels. This proposal fails to take into account the nuances of many graduate degree programs, especially those focusing on science and research. For example, a Ph.D. student may change their degree goal and opt for a master's degree, instead of progressing towards their doctorate. Since the master's level is usually obtained within the first two years of the Ph.D., a student could decide to graduate at the master's level and pursue Optional Practical Training (OPT) while having both a future end date on the I-20 and I-94 forms. The proposed rule would make such a path more difficult by only allowing a transfer or change in educational objectives when a student is pursuing a higher degree program. Moreover, if the student already has a master's in a separate field prior to joining the Ph.D. program, but has never used OPT at that level, clarification would be needed on whether the student would be allowed to apply for OPT at the master's level with either degree. We request that DHS consider providing clarity on this scenario if it decides to publish a final rule.

In addition to the challenges posed for Ph.D. students, the proposed rule seems to eliminate the ability of students to enroll in undergraduate-to-graduate pathways programs that include additional time to earn a master's degree. These are generally 5-year programs (4+1) and help support U.S. advanced workforce needs. These programs, too, may be less attractive to

international students under the proposed rule, with corresponding declines in tuition payments that will affect US students as well.

Complexity of Academic Programs

The proposed rule allows DSOs to recommend extension of stay but the determination of any extension would ultimately be up to USCIS: "immigration officers thereby would be able to conduct appropriate background and security checks on the applicant at the time of the extension of stay application and directly review the proffered evidence to ensure that the alien is eligible for the requested extension of stay." *See* 90 Fed. Reg. 42,091.

It is important to note that DSOs and ROs are best situated to assess a student's academic need for an extension of their educational program given their familiarity with the relevant curriculum and their access to student records and the student's faculty advisors. The proposed rule would create confusion over standards for academic decision-making that were historically the responsibility of higher education professionals familiar with the complexities associated with various academic programs and the challenges students face in post-secondary and graduate-level education. The proposed rule would eliminate the "normal progress" standard with respect to seeking an extension of an authorized period of stay.

Some education programs involve "immersive learning" or internship modules, while others involve studying abroad or independent research for a period of time, as opposed to standard classroom instruction. By removing the "normal progress" standard, the proposed rule ignores the variety in duration of different academic programs, which are increasingly flexible and student-specific. The proposed rule does not acknowledge how education programs, particularly at the graduate levels, may not conform to a standard fixed period of time, much less the four-year default period chosen by the proposed rule.

Furthermore, the proposed rule limits "a compelling academic reason" to a change of major or research topic, or an unexpected research problem (along with a documented illness or medical condition or circumstances beyond a student's control, like a natural disaster or school closure). The examples identified in the proposed rule do not account for the myriad ways in which a student's educational career or program may evolve to include research opportunities and other forms of academic engagement that typically emerge following the initial years of study.

Transition Period Between Appointments

The proposed rule focuses mainly on the student academic program, which is distinct from that of our research scholars and professors. In November 2006, the U.S. Department of State increased the J-1 Research Scholar and J-1 Professor categories from three years to five years to better accommodate the extended timelines often required for research projects and more comprehensive collaborations between international researchers/professors and U.S. institutions. The five-year period enables research scholars and professors to contribute more substantially to their field of study without the need for frequent extensions and visa renewals. That change has helped U.S. institutions attract and retain top international talent by offering a more stable and attractive research environment. The proposed rule eliminating duration of status and limiting the

duration of admission to four years would result in increased uncertainty, costs, and administrative barriers to extend stay for this academic community to the maximum five years as currently allowed by the U.S. Department of State.

Transfer-In and Transfer-Out Processes

The proposed rule does not adequately factor in the transfer-in and transfer-out processes that students need to follow when they move between institutions. It appears that in the case of a transfer-in student, the school would have to process all transfer-in requests and issue a new I-20 to students within a much tighter timeframe for the student to be able to apply for an EOS to USCIS. For example, suppose a student completes a bachelor's program at a different university and wants to obtain a graduate degree at another university. The student's I-94 expires at the same time as the transfer-out school's program end date. The student will have to request a transfer to the new school, receive a new I-20, and apply to USCIS for an EOS within their 30-day grace period following the completion of the bachelor's degree program. Otherwise, they will need to depart the United States and change status via travel. This has negative implications for those students seeking to follow their degree program with curricular practical training (CPT).

The proposed rule likewise has not adequately factored in the transfer-in and transfer-out process that exchange visitors need to follow. The Form DS-2019 will need to be issued before the application to extend status can be filed with the USCIS. However, the Form DS-2019 cannot be issued by the transfer-in institution until the effective date of the transfer. In cases where the new program will start when the prior program is set to end, this would create timing issues that may result in the exchange visitor not being able to timely file their extension application with USCIS.

DHS provides no clear explanation for the prohibition of graduate-level transfer, even for purposes of transitioning from a lower to higher level degree (Masters to Ph.D., for example). It is common for students in research-based Ph.D. programs to face the transition of their primary faculty to a different institution. In these cases, students cannot complete the Ph.D. at the initial school, and require transfer to the new institution to complete research under the original faculty sponsor in their area of highly specialized research.

This would also be an issue for continuing Ph.D. students who need to change institutions when their faculty advisor is hired at another institution, and the student wishes to follow that faculty member in order to continue their research focus and complete their academic program. We respectfully request that DHS consider and clarify the impact of the proposed rule on the transfer process.

Impact on Healthcare

UC is deeply concerned about how this rule will impact J-1 Alien Physicians and their ongoing care for U.S. citizens. Clinical education and care require months of advanced planning. Interruptions to clinical training to adjust or maintain appropriate immigration documentation status adversely impacts the ability of hospitals and clinics to care for patients.

Date-certain admissions threaten international medical graduates' (IMG) abilities to maintain their medical licenses or exemptions, extend their driver's licenses, enroll their children in school and many other functions. Unlike physicians in H-1B status, J-1 Alien Physicians are unable to convert their EOS to premium processing. This has the potential to leave hundreds of IMGs unable to care for U.S. patients as they wait for their EOS to be approved.

Furthermore, clinics for residences and fellowships are scheduled months in advance. Many training programs extend annually for each program year. Under the proposed rule, the IMGs would either need to travel and apply for a new visa abroad, which can take anywhere between weeks to months, or file an EOS. If the visa issuance is delayed, clinics would need to be rescheduled and U.S. patients are likely to experience a gap in medical care. Under the proposed rule, the clinics will also need to be rescheduled if the EOS process extends beyond 240 days. These circumstances would have a direct impact on U.S. patient care.

Administrative Burden on Campuses

The proposed rules will magnify administrative burdens on campuses nationwide. Specifically, the proposed rule requires universities' international offices to track extensions. This will impose new systems and staffing needs in order to collect I-94 extensions by travel and I-539 extension receipts and approvals.

Under the proposed rule, F and J holders will need to review I-94 forms upon each entry. If there is a discrepancy between the dates of admission on the previous I-94 form, visa holders will need to report the new date to the international student office. This will be difficult to manage, especially during the transition period. If students don't report any changes, the institutional data on prospective end date may not match the actual end date of admission. Currently, all extension reminders are based on I-20 or DS-2019 end dates. Managing these issues will likely require a new staff position or more, depending on the student/scholar population at the institution.

The current SEVIS system does not allow schools to track individual admission dates for each F-1 or J-1 student for each admission, nor does it have a mechanism to remind either staff or students of upcoming end dates. SEVIS will require extensive updates to pull I-94 data, which can be prone to error. Schools would have to build their own extensive systems of outreach to remind students of expiration dates and deadlines. For example, a single campus within the UC system estimates that more than 4,500 students per year would need to submit I-539s. Advising on the I-539 process for this many students would lead to an increased workload on DSOs and ROs and crosses into legal advisement territory, for which the university is not able to accommodate.

Furthermore, if the proposed rule is adopted, schools would need DHS guidance that provides training, communication or educational plans for DSOs and ROs and F-1/J-1 status holders. Clarification is needed from DHS on whether it will provide guidance and training materials or if DSOs and ROs are expected to interpret the rule and develop and provide training and support, as well as implementation protocol, institution by institution. As noted earlier, the proposal would remove DSOs and ROs ability to properly monitor status holders or adherence to the

regulation. To do so, under the proposed rule, seems to necessitate updates to the SEVIS to cross reference information currently held outside of the database raising potential privacy and data security considerations.

Administrative Burden to Students

Finally – and most critically – UC is concerned about the impact this proposed rule will have on students. Reducing the F-1 grace period from 60 days to 30 days for students who have been in the U.S. for four or more years does not give students sufficient time to prepare for departure or to take time to prepare documents to support a request for extension. Students may not even have the results of their final exams for weeks after the end of the program. Thirty days is not sufficient to prepare the documentation to extend status in an unexpected circumstance, or in the case of a transfer.

Campus human resources and payroll services require proof of employment eligibility, which can be difficult when dealing with USCIS receipt notices. Currently, F-1 visa students must provide only an updated I-20 form—or for scholars, an updated DS-2019. Employers can accept these documents for I-9 work authorization compliance. The proposed rule would require the USCIS receipt notice for an EOS, which means students and scholars could fall out of status and lose funding and the ability to continue in their educational programs if the I-539 form is not adjudicated within 180 days or 240 days.

Under the proposed rule, a fixed period stay will significantly increase the number of EOS applications for the reasons shared in this comment letter. Any delay in the adjudication of the EOS application beyond the available grace period puts the applicant's immigration status at risk and forces both the institution and individual to make educational, financial and life changing decisions regarding the individual's ability to remain in the U.S. while the EOS is pending. The U.C. respectfully requests that DHS consider amending the proposed rule to avoid an interruption of status for those who submit an EOS in a timely manner, but do not have their EOS adjudicated before the period of time a student or exchange visitor's I-94 expires.

Conclusion

In closing, the Department's proposed rule eliminating "Duration of Status" would upend U.S. academic programs and research, which drive American business and industry. This proposed rule, if implemented, will weaken America's global competitiveness. The University respectfully urges that the proposal be rescinded. The University appreciates the opportunity to comment.

If you have any questions or concerns about this comment letter, please contact Chris Harrington, Associate Vice President in UC's Office of Federal Governmental Relations, at Chris.Harrington@ucdc.edu or 202-974-6314. Thank you for your consideration.

Sincerely,



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Enclosure:

UC System 2020 Letter on Establishing a Fixed Time Period of Admission and Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media